



**Agricultural Land Commission**  
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October 19, 2005

Reply to the attention of Ron Wallace

George Mischenko and Natalie Pawlenko  
7575 Mays Road  
Duncan, BC – V9L 6A8

Dear Sir/Madam:

Re: Application #J-36239  
**Parcel B (DD33139I) of Section 13, Township 6, Somenos District, Except Part  
in Plan VIP58892**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the above noted property into two lots of 4.5 ha and 3.2 ha as divided by Relke Road. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*.

The Commission toured your property on September 29, 2005 and felt that the property should be retained as a whole parcel to maintain its full agricultural potential. It did not support the objective of the application to sell one of the proposed lots to generate additional funds for the purpose of digging a well(s) for a water source.

For these reasons, the Commission refused your application as proposed.

The decision noted above is recorded as Resolution **#521/2005**.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: District of North Cowichan – 3025-20-05.04

RW/lv  
36239d1





**Staff Report**  
**Application # J – 36239-0**  
**Applicant: George and Natalie Pawlenko Mischenko**

**DATE PREPARED:** September 15, 2005

**TO:** Chair and Commissioners – Island Panel

**FROM:** Ron Wallace, Regional Research Officer

**PROPOSAL:** To subdivide the 7.7 ha (19 acres) subject property into two lots of 4.5 ha (11 acres) and 3.2 ha (8 acres), as divided by Relke Road that traverses the property. The applicants propose to retain the 4.5 ha property to be developed as a garden plant greenhouse business. The 3.2 ha property would then be sold to generate additional funds for the main purpose of digging a deep well or wells for a much needed water source for the garden plant greenhouse business. Please refer to the attached proposal from the applicant for details.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

There have been two previous applications involving the subject property as outlined below. The most recent application is similar to the current proposal to subdivide the property as divided by Relke Road to provide a separate parcel for the applicant's son. Previous to this there was another application (#24333, as outlined below) made by the same owner to exclude the then 16 ha property (including the 8 ha block to the north) from the ALR in order to subdivide into rural residential lots. This was refused as proposed, however, the Commission approved the exclusion of the northerly 8 ha because of poor agricultural capability. In the reconsideration of this application (#24333-1 and #24333-2) the Commission's primary concern was the severance of the south portion of the property (i.e., the current applicant's subject property). The Commission felt the subject property had agricultural potential and as such should remain as a single contiguous unit.

**Local Government:**

The Corporation of the District of North Cowichan

**Legal Description of Property:**

1. PID: 009-694-625  
Parcel B (DD33139I) of Section 13, Township 6, Somenos District, Except Part in Plan VIP58892

**Purchase Date**

09/06/2002

**Location of Property:**

7575 Mays Road, Duncan

**Size of Property:**

7.7 ha (The entire property is in the ALR).

**Present use of the Property:**

A rural residential property with about 2.8 ha of hayfields with scotch broom and original tree stands on the remainder of the property. There is a house, garage and two barns on the property.

**Surrounding Land Uses:**

**WEST:** Farm land - mostly hayfield/pasture

**SOUTH:** Lots across Mays Road, hayfield/pasture, wooded lot within suburban residential

**EAST:** Wooded lot

**NORTH:** Low density residential development, with lots of 0.8 ha each

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 92B.082

The majority of the property is identified as having Secondary ratings.

**Official Community Plan and Designation:**

Agricultural

**Zoning Bylaw and Designation:**

Agriculture 1, 12 ha minimum lot size

**PREVIOUS APPLICATIONS:****Application #24333-0**

**Applicant:** Relke, Reinhart & Ellen.

**Decision Date:** April 10, 1990

**Proposal:** To exclude the 16 ha property from the ALR in order to subdivide into rural residential lots.

**Decision:** Refuse as proposed, however, the Commission approved the exclusion of the northerly 8 ha because of poor agricultural capability.

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**Application #24333-1**

**Applicant:** Relke, Reinhart & Ellen.

**Decision Date:** April 15, 1992

**Proposal:** To relocate the road access to the excluded area from the east boundary of the property to where it would bisect the ALR remnant.

**Decision:** Refuse as proposed because of concerns about the road location precipitating a subdivision request as well as decreasing the management efficiency of the ALR remnant.

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**Application #24333-2**

**Applicant:** Relke, Reinhart & Ellen.

**Decision Date:** July 15, 1992

**Proposal:** To again request the relocation of road access to the excluded area from the east boundary of the property to where it would bisect the ALR remnant.

**Decision:** Allow because the landowners to the east (the Commission's choice for a road

location) were not receptive to a road involving their property.

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**Application #31539-0**

**Applicant:** Relke, Ellen

**Decision Date:** October 21, 1997

**Proposal:** To subdivide off roughly 3.6 ha from the subject property's 7.8 ha for the applicant's son to build a home.

**Decision:** Refused on the grounds that the property has reasonably good agricultural capability and should remain a single contiguous unit.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Local Council**

"that Council advise the agricultural Land Commission that it does not support the application to subdivide 7575 Mays Road as the subdivision would fragment farmland into smaller parcels with no assurances that reinvestment would occur as proposed."

**Agricultural Advisory Committee**

Recommendation:

That the Agricultural Advisory Committee advise the Technical Planning Committee that it does not support the proposed subdivision for 7575 Mays Road since:

- Alternate crops would appear to be viable
- Creating an additional small parcel perpetuates the fragmentation of farmland into small parcels
- No evidence that proceeds would be used as proposed or is adequate for the work proposed or that the well would produce as expected
- There may be other alternatives to overcome site limitations and for water supply (i.e., build pond/dug out)

**Local Government Staff**

See attached report.

**STAFF COMMENTS:**

Staff has the following comments:

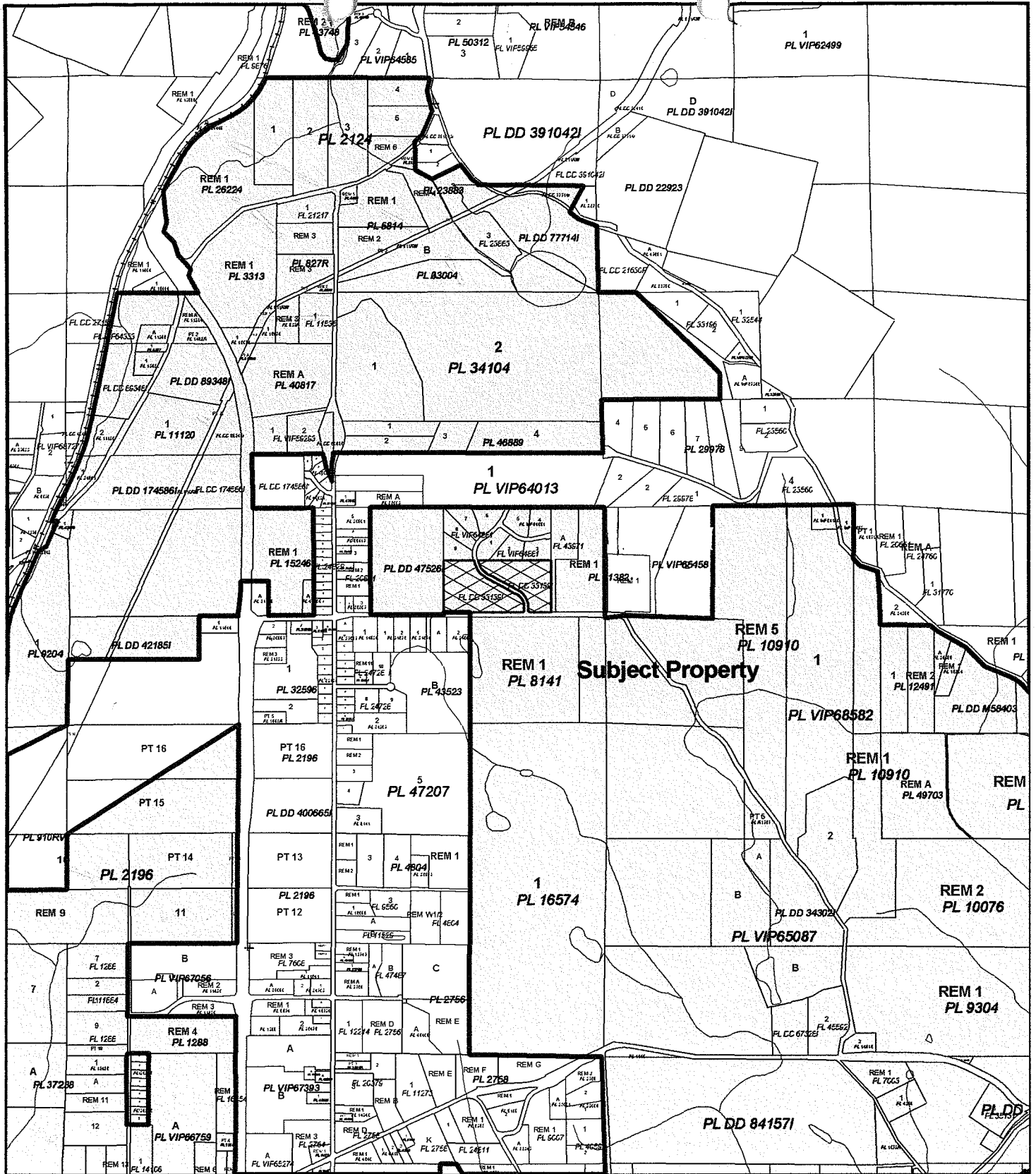
- The Commission has previously considered subdivision of this property as divided by Relke Road. The proposal was refused as it felt the road did create a significant barrier to farming the property as a single contiguous unit.
- The Commission also reviewed a previous application for exclusion of the then 16 ha subject property. It was determined that the northern portion should be excluded but that the southern half (the current subject property) has agricultural potential and should be kept in the ALR. Since that time the Commission has maintained that this parcel should be retained at its present size regardless of Relke Road dividing the lot.
- On-site meeting with the application will benefit the Commission in its decision.

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**END OF REPORT**

  
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**Signature**

20 Sept 2005  
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**Date**



**ALC CONTEXT MAP  
Application # 36239**

Map Scale: 1: 20000

ALC File #: 21-05-36239  
BCGS Map Sheet #: 92B.082  
Regional District: Cowichan Valley

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